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NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THIEN TRAN,

Plaintiff and Respondent,

v.

ANTHONY NGUYEN,

Defendant and Appellant.

G055078

(Super. Ct. No. 30-2014-00722873)

O P I N I O N

Appeal from orders of the Superior Court of Orange County, Timothy J. Stafford, Judge. Affirmed.

Anthony Nguyen, in pro. per., for Defendant and Appellant.

Law Offices of Andrew D. Weiss and Andrew D. Weiss for Plaintiff and Respondent.

* * *

Anthony Nguyen appeals from two postjudgment orders entered by the trial court, following the court's entry of a restraining order in favor of Thien Tran against Nguyen in June 2014. This appeal is closely related to another appeal (G055022) that is currently pending, as are two other related appeals filed by Nguyen (G05597 (consol. w/G055130) and G05455), all of which were argued together, along with an additional appeal Nguyen has filed from a different restraining order (G054555). As to the two orders Nguyen challenges in this matter, the governing standard of review on appeal requires us to presume the orders are correct unless Nguyen meets his burden to demonstrate error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564 (*Denham*).) While listing both orders in his notice of appeal, Nguyen does not mention one of them in his appellate brief, and provides no compelling reason to overturn either order. We therefore affirm the trial court's rulings.

FACTUAL AND PROCEDURAL BACKGROUND

Nguyen's appeal is one piece of ongoing litigation that has continued after Tran, in May 2014, sought a restraining order against Nguyen, alleging Nguyen over many "nights and days" harassed and threatened Tran and Tran's ex-wife, Hien. The record suggests Nguyen may have dated Hien at one time, before she returned to live with Tran. In the trial on the underlying harassment allegations, Tran alleged that Nguyen stalked Hien at her workplace and at Tran's home, trespassed on Tran's property, and threatened "to take Hien out with him," daring the couple to stop him. Viewing Nguyen as "dangerous" and "crazy," Tran and Hien pleaded for "a rest[r]aining order [against] him to keep us safe and protect[ed]." After a two-day trial, held on June 6th and 10th, 2014, the trial court granted the restraining order against Nguyen as to Tran, but not as to Hien.

Nguyen twice appealed the trial court's order, in appellate case numbers G051373 and G051378, but this court dismissed the appeals as untimely. Nguyen then launched a series of federal and state court filings, including: (1) a federal lawsuit under the Racketeer Influenced and Corrupt Organizations (RICO) Act alleging claims against trial court judges, Tran's attorneys, and others, and (2) several unsuccessful attempts to remove pending state court proceedings to federal court, which the federal court denied and remanded back to state court.

Subsequent state court proceedings, including Tran's request for attorney fees in the dismissed appeals, which the trial court granted, resulted in eight related appeals to this court, including this appeal challenging the trial court's renewal of the underlying restraining order on June 7, 2017. Four of these eight related appeals—which do not include at least two other appeals (G053946, G054555) involving a different restraining order— have been dismissed for various reasons. The grounds for dismissal include untimeliness (e.g., G054876) or, as this court's order in G055428 observed, lack of cognizable claims on appeal where Nguyen merely asserted "rambling unintelligible accusations . . . of 'fraud and criminal activity' by respondents and their attorney." Altogether, the combined electronic record in this and the related surviving appeals exceeds 5,000 pages. Nguyen does not cite the record a single time in his appellate briefing to support any of his claims or arguments.

Nguyen's appellate brief related to this appeal appears to again challenge the trial court's original June 2014 restraining order, among numerous other arguments. Nguyen's notice of appeal does not include the June 2014 order, but instead designates two other subsequent orders as the subject of his appeal. We briefly provide the procedural history for those two orders and examine the merits of Nguyen's challenges to each order in the next section.

DISCUSSION

Our appellate jurisdiction is limited by rule to the judgment or orders specified in the appellant's notice of appeal. (Cal. Rules of Court, rule 8.100; *Dakota Payphone, LLC v. Alcaraz* (2011) 192 Cal.App.4th 493, 504 (*Dakota Payphone*).) The two orders Nguyen has appealed in this matter, which he identifies in his notice of appeal solely by their dates, are orders entered, respectively, on May 18, 2017 and June 7, 2017.

As discussed in more detail in our unpublished opinion in a related appeal (G055022), an appeal is not a retrial. We must view the evidence in the light most favorable to the judgment or order appealed. (*Delgado v. Trax Bar & Grill* (2005) 36 Cal.4th 224, 229.)

In a bench trial, as is the case here, the trial court is the trier of fact. Consequently, on appeal, "'[a]ll of the evidence most favorable to the respondent must be accepted as true, and that unfavorable discarded as not having sufficient verity to be accepted by the trier of fact.'" (9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 370, pp. 427-428.) Mindful of this principle, we turn to the specific challenges to the trial court's rulings that Nguyen asserts in his brief, limiting our review to the orders identified in his notice of appeal. (*Dakota Payphone, supra*, 192 Cal.App.4th at p. 504.)

(1) May 18, 2017 Order

The May 18, 2017 order reassigned the matter from one judge to another, and continued the hearings on several of Nguyen's and Tran's pending motions. Nguyen does not mention the May 18, 2017 order anywhere in his appellate brief. His approach seems to be to take an appeal from every order, or virtually every order, the trial court enters. That approach, while comprehensive, is legally inappropriate because it ignores the fundamental precept of appellate law requiring a final, appealable judgment or order. (Code Civ. Proc., § 904.1, subds. (a)(1), (2).) This court has dismissed several of Nguyen's appeals at their outset on this basis, for lack of an appealable order.

(E.g., G054734, G055427.) This court also has dismissed at least one of Nguyen's appeals for failure—now that he has been designated a vexatious litigant—to meet his prefiling requirement to demonstrate the appeal "ha[d] merit and [wa]s not being filed for purposes of harassment or delay" (G055428). This appeal apparently predated the superior court's June 2017 vexatious litigant order.

Nguyen forfeits his challenge to the May 18, 2017 order for two reasons. First, he provides no record context for the judicial reassignment or continuances, so it is impossible to determine whether the order is appealable. We note that interlocutory orders such as granting or denying a continuance are not ordinarily appealable. (*Freeman v. Sullivant* (2011) 192 Cal.App.4th 523, 527.) In any event, "'[f]ailure to provide an adequate record on an issue requires that the issue be resolved against [appellant].'" (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 187.) "'The absence of a record concerning what actually occurred at the trial precludes a determination that the trial court [erred].'" (*Oliveira v. Kiesler* (2012) 206 Cal.App.4th 1349, 1362.)

Second, even assuming the order is appealable, Nguyen's challenge fails because he provides no reasoned argument for reversal. Indeed, Nguyen fails to mention the contested order in his brief at all. Our limited role on appeal permits reversal of a judgment or order only when the appellant meets his or her burden to show prejudicial legal error. (Cal. Const., art. VI, § 13; *Denham*, *supra*, 2 Cal.3d at p. 566.) "An appellant must affirmatively demonstrate error through reasoned argument, citation to the appellate record, and discussion of legal authority." (*Bullock v. Philip Morris USA, Inc*. (2008) 159 Cal.App.4th 655, 685.) It is not enough simply to raise an issue or a ruling for general review.

"'"'When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived.'" [Citation.] 'We are not bound to develop appellants' arguments for them.'" (*Cahill v.*

San Diego Gas & Electric Co. (2011) 194 Cal.App.4th 939, 956.) These principles apply equally to self-represented parties. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.) In light of these principles, "conclusory claims of error will fail" (*In re S.C.* (2006) 138 Cal.App.4th 396, 408), and we find no merit in Nguyen's challenge to the May 18, 2017 order.

(2) June 7, 2017 Order

The June 7, 2017 order renews the restraining order Tran obtained against Nguyen in June 2014. Before issuing the renewal, the trial court held an evidentiary hearing at which Tran, Nguyen, and Officer Diana Kotani of the Buena Park Police Department testified. Appellant failed to designate a reporter's transcript of the testimony. Consequently, his challenge in the Table of Contents of his opening brief asserting "NO EVIDENCE" supported the "Renewal of [the] Rest[r]aining Order" must fail. Nguyen's brief reargues his view of the evidence concerning the renewal order and the original June 2014 restraining order. But the standards governing appeal are well-established, including that "omission of the reporter's transcript precludes appellant from raising any evidentiary issues on appeal." (*Hodges v. Mark* (1996) 49 Cal.App.4th 651, 657.)

Put another way, by foregoing a reporter's transcript, Nguyen effectively elected to proceed solely based on the clerk's transcript (Cal. Rules of Court, rules 8.121, 8.122), which we treat as an appeal on the "judgment roll." (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082.) For judgment roll appeals, we must presume the trial court heard substantial evidence to support its findings. (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154.) These rules of appellate procedure apply equally to self-represented parties. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985; *Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121.) On a judgment roll appeal, our review is limited to determining whether any error appears on the face of

the record. (*National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521.) We discern none.

DISPOSITION

Nguyen's appellate challenges to the trial court orders entered on May 18, 2017 and June 7, 2017 are without merit. We therefore affirm the orders. Respondent is entitled to his costs on appeal.

GOETHALS, J.

WE CONCUR:

FYBEL, ACTING P. J.

THOMPSON, J.